

SENATE BILL 1055  
By Herron

AN ACT to amend Tennessee Code Annotated, Title 6 and Title 16, Chapter 17, Part 1, relative to the creation of municipal courts.

WHEREAS, there has been a proliferation of municipal courts created in the State of Tennessee; and

WHEREAS, this has had an adverse effect on the various courts of general sessions in the State; and

WHEREAS, the creation of additional courts creates a burden on taxpayers of the several counties by increasing costs of the judicial system; and

WHEREAS, recognizing these problems, the Tennessee Judicial Council has created a study committee to study municipal courts and make recommendations to the Judicial Council; and

WHEREAS, it is advisable that the situation regarding the proliferation of municipal courts not worsen while this issue is being examined; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) Notwithstanding any other provision of the law to the contrary, the general assembly shall not, by general law, private act or amendment to a municipal charter, allow or provide for the creation of a municipal court until such time as the Tennessee judicial council, having heard the report of the committee it created to examine the issue of the proliferation of municipal courts in Tennessee, has made a recommendation to the general assembly and the general assembly has had at least one (1) session to consider the issue.

(b) Further, there is a moratorium for the same time period on the creation of a municipal court by any municipality currently authorized to create such court and that has not done so prior to January 1, 2003.

SECTION 2. Tennessee Code Annotated, Section 16-17-101, is amended by adding the following as a new, appropriately designated subsection:

(c) Notwithstanding the provisions of this section or any other provision of the law to the contrary, no municipality shall create a municipal court from the effective date of this act until such time as the Tennessee judicial council, having heard the report of the committee it created to examine the issue of the proliferation of municipal courts in Tennessee, has made a recommendation to the general assembly and the general assembly has had at least one (1) session to consider the issue and determine whether any legislative changes are necessary.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.